

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MIDFIRST BANK,

Plaintiff,

v.

DONALD BASS, BRUNIS CLAYTON
LOWERY, and THALIA ROWZEE,

Defendants.

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CIVIL ACTION NO. 1:22-CV-309-MJT

**ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

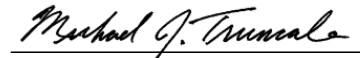
The District Court referred Plaintiff's Motion for Default Judgment [Dkt. 10] and Plaintiff's Motion for Attorneys' Fees [Dkt. 15] to the Honorable Christine L. Stetson, United States Magistrate Judge, for consideration and disposition.

On July 20, 2023, the Magistrate Judge entered a Report and Recommendation [Dkt. 17] in which she recommended granting the motion and entering default judgment in favor of the Plaintiff allowing Plaintiff to foreclose on the property. The Magistrate Judge further recommended granting in part and denying in part Plaintiff's Motion for Attorneys' Fees by awarding \$4,874.50 in attorneys' fees and \$402.00 in costs. Finally, the report recommended that said Default Judgment should state that the judgment is *in rem* and not a personal judgment against the Defendants. To date, the parties have not filed objections to the report.

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the Report and Recommendation of the United States Magistrate Judge [Dkt. 18] is ADOPTED. Plaintiff's Motion for Default Judgment [Dkt. 10] is GRANTED and granting in part and denying in part Plaintiff's Motion for Attorneys' Fees by awarding \$4,874.50 in attorneys' fees and \$402.00 in costs. The Court enters default judgment as set forth above. A final judgment will be issued consistent with this order.

SIGNED this 29th day of August, 2023.

A handwritten signature in blue ink, reading "Michael J. Truncala", is positioned above a horizontal line.

Michael J. Truncala
United States District Judge